

**Remarks**

Applicants have carefully reviewed this Application in light of the Office Action mailed January 13, 2006. Applicants appreciate the Examiner's allowance of Claims 1-7. Although Applicants believe all pending claims, as previously submitted, are allowable over the references cited by the Examiner, Applicants have amended Claims 8-13 for purposes of clarify Applicants' invention. Accordingly, Applicants respectfully request reconsideration and favorable action in this case.

***Allowable Subject Matter***

Applicants note with appreciation the Examiner's statement that Claims 1-7 are allowed. Applicants have not amended Claims 1-7, and thus, they remain in condition for allowance.

***Claim Objections***

The Examiner objected to Claim 11. The Examiner's objection is moot in light of Applicants' amendments to Claims 8-13.

***Claim Rejections — 35 U.S.C. § 103***

The Examiner rejected Claims 8-20 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,574,313 issued to Chea, Jr. et al. ("*Chea*") in view of U.S. Patent No. 5,883,941 issued to Akers ("*Akers*").

**Independent Claim 8 and Dependent Claims 9-13**

Independent Claim 8, as amended, recites:

A gateway for providing lifeline telecommunication service to customer premises equipment, comprising:

a telecommunication interface operable to receive telecommunication information from a telecommunication switch;

a data packet service module coupled to the telecommunication interface and operable to receive the telecommunication information from the telecommunication interface and to generate data packets for communicating the telecommunication information, the data packet service module

further operable to communicate the data packets to an analog signal service module in a first mode of operation and to communicate the data packets over a local loop circuit to customer premises equipment in a second mode of operation; and

an interface operable to communicate the telecommunication information as digital data not encapsulated in data packets in a third mode of operation.

The Examiner's proposed combination of *Chea* and *Akers* does not disclose, teach, or suggest a gateway including "a data packet service module coupled to the telecommunication interface and operable to receive the telecommunication information from the telecommunication interface and to generate data packets for communicating the telecommunication information, the data packet service module further operable to communicate the data packets to an analog signal service module in a first mode of operation and to communicate the data packets over a local loop circuit to customer premises equipment in a second mode of operation" and "an interface operable to communicate the telecommunication information as digital data not encapsulated in data packets in a third mode of operation," as recited in Claim 8. As Applicants explained in the previous responses, gateway 4 and IAC-C 104 in *Chea* communicate using data packets. *Chea* does not disclose another form of communication between gateway 4 and IAC-C 104. The Examiner acknowledged this fact in the Final Office Action dated July 8, 2005: "*Chea* does not explicitly disclose telecommunication information not encapsulated in data packets in a third mode of operation." (Final Office Action at p. 4).

*Akers* also does not disclose, teach, or suggest the above limitation missing from *Chea*. The Examiner identifies high speed digital card 4 as "an interface operable to communicate the telecommunication information as digital data not encapsulated in data packets in a third mode of operation." Contrary to the Examiner's reading of *Akers*, high speed digital card 4 is not part a gateway as recited in Claim 8, because *Akers* does not describe high speed digital card 4 as being part of a gateway including "a data packet service module coupled to the telecommunication interface and operable to receive the telecommunication information from the telecommunication interface and to generate data packets for communicating the telecommunication information, the data packet service module further operable to communicate the data packets to an analog signal service module in a first mode of operation and to communicate the data packets over a local loop circuit to

customer premises equipment in a second mode of operation,” as recited in Claim 8. The gateway of Claim 8 communicates the same telecommunication information in different ways (either data packets or not encapsulated in data packets) according to the mode of operation. Neither *Chea* or *Akers* discloses this feature.

In addition, the Examiner's proposed motivation to combine *Chea* and *Akers* is improper. According to the Examiner, a person having ordinary skill in the art would have been motivated to modify *Chea* based on the teaching of *Akers* “to obtain the advantages/benefits taught by *Akers* since *Akers* states at col. 3, line 1-45; see col. 5, line 20-25 that such modification would provide line powering to remote terminal for high speed digital signals in order to avoid dependence upon local power.” (Office Action at p. 4). However, without being combined with *Akers*, *Chea* purports to provide an active telephone line during a power outage to avoid dependence upon local power. (*Chea* at Abstract; col. 4, ll. 10-34; col. 5, ll. 16-25). Thus, a person having ordinary skill in the art would not have had to modify *Chea* to provide line powering to the remote terminal as argued by the Examiner. For at least this reason, there is no motivation to combine *Chea* and *Akers*.

For at least these reasons, Applicants respectfully request reconsideration and allowance of independent Claim 8, as well as Claims 9-13 which depend from Claim 8.

Independent Claim 14 and Dependent Claims 15-20

Independent Claim 14, as amended, recites:

A method of providing lifeline telecommunication service to customer premises equipment using a gateway, comprising:

receiving telecommunication information from a telecommunication switch;

generating data packets for communicating the telecommunication information in a first mode of operation and a second mode of operation;

communicating the data packets to an analog signal service module in a the first mode of operation;

communicating the data packets over a local loop circuit to customer premises equipment in a the second mode of operation; and

communicating the telecommunication information as digital data not encapsulated in data packets to the analog signal service module in a third mode of operation.

The Examiner's proposed combination of *Chea* and *Akers* does not disclose, teach, or suggest "communicating the telecommunication information as digital data not encapsulated in data packets to the analog signal service module in a third mode of operation," as recited in Claim 14. The Examiner acknowledged in the Final Office Action dated July 8, 2005 that "*Chea* does not explicitly disclose telecommunication information not encapsulated in data packets in a third mode of operation." (Final Office Action at p. 13). The Examiner therefore relies on *Akers* for its alleged teaching of this limitation missing from *Chea*. In particular, the Examiner identifies high speed digital card 4 in *Akers*. (Office Action at p. 7). Applicants respectfully disagree with the Examiner's reading of *Akers*. High speed digital card 4 in *Akers* does not communicate telecommunication as digital data not encapsulated in data packets "to the analog signal service module," as recited in Claim 14. Thus, for at least this reason, the Examiner's proposed combination of *Chea* and *Akers* does not disclose, teach, or suggest "communicating the telecommunication information as digital data not encapsulated in data packets to the analog signal service module in a third mode of operation," as recited in Claim 14.

Moreover, the method of Claim 14 communicates the same telecommunication information in different ways (either data packets or not encapsulated in data packets) according to the mode of operation. Neither *Chea* or *Akers* discloses this features.

In addition, the Examiner's proposed motivation to combine *Chea* and *Akers* is improper. According to the Examiner, a person having ordinary skill in the art would have been motivated to modify *Chea* based on the teaching of *Akers* "to obtain the advantages/benefits taught by *Akers* since *Akers* states at col. 3, line 1-45; see col. 5, line 20-25 that such modification would provide line powering to remote terminal for high speed digital signals in order to avoid dependence upon local power." (Office Action at p. 7). However, without being combined with *Akers*, *Chea* purports to provide an active telephone line during a power outage. (*Chea* at Abstract; col. 4, ll. 10-34; col. 5, ll. 16-25). Thus, a person having ordinary skill in the art would not have had to modify *Chea* to provide line powering to the remote terminal as argued by the Examiner. For at least this reason, there is no motivation to combine *Chea* and *Akers*.

For at least these reasons, Applicants respectfully request reconsideration and allowance of independent Claim 14, as well as Claims 15-20 which depend from Claim 14.

**CONCLUSION**

Applicants have made an earnest attempt to place this Application in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicants respectfully request reconsideration and full allowance of all pending claims.

If the Examiner feels that a telephone conference would advance prosecution of this Application in any manner, the Examiner is invited to contact Jeffery D. Baxter, Attorney for Applicants, at the Examiner's convenience at (214) 953-6791.

Applicants believe no fees are due. However, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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